

ORDINANCE 122601

AN ORDINANCE related to land use and zoning, amending Sections 23.50.027 and 23.50.028 of the Seattle Municipal Code to reduce the size limit for certain non-industrial uses in industrial zones.

WHEREAS the City's policy, as expressed in the Comprehensive Plan, directs the City to "(p)reserve industrial land for industrial uses..."; and

WHEREAS, the City has conducted studies indicating a continuing high demand for industrial businesses to locate in the city; and

WHEREAS, the City's studies further indicate that development of retail and office uses in industrial zones reduces the amount of land available for industrial uses and inhibits the ability of industrial businesses to locate, remain or expand in the city; and

WHEREAS, the City's current regulations allow new office uses of 50,000 square feet in the general industrial 1 (IG1) zone and 100,000 square feet in the general industrial 2 (IG2) zone and retail uses of 30,000 square feet and 75,000 square feet, respectively, in these zones; and

WHEREAS, a series of reports on Seattle's Industrial Lands indicate that stricter limits on office and retail uses could better fulfill the intent of the City's adopted policy of preserving industrial land for industrial uses and discourage competition for industrial land by nonindustrial uses; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.50.027 of the Seattle Municipal Code, which Section was last amended by Ordinance 121281 is amended as follows:

23.50.027 Maximum size of nonindustrial use.

A. Applicability.

1. Except as provided in subsections B, C, D and E of this section (~~below~~), the gross floor area of non-industrial uses on a lot shall not exceed the size limitations shown on Chart A (~~the maximum size of use limits on gross floor area specified in Chart A or, for lots~~

located in the Duwamish Manufacturing/Industrial Center, Chart B)) of this section. ~~((shall apply to uses on a lot.))~~ The ~~((maximum))~~ size limitations ~~((of use limits))~~ apply to ~~((both))~~ principal ~~((and accessory))~~ uses listed on Chart A ~~((on a lot))~~. ~~((The limits shall be applied separately to the categories of uses listed in the respective charts of this section.))~~ The total gross floor area occupied by one or more of the uses listed on ~~((limited under the respective charts of this section))~~ Chart A shall not exceed an area equal to two and one-half (2.5) times the area of the lot in an IG1 or IG2 zone, or two and one-half (2.5) times the area of the lot in an ~~((IG2,))~~ IB or IC zone, or three (3) times the lot area in IC zones with sixty-five (65) foot or eighty-five (85) foot height limits in the South Lake Union Urban Center. ~~((Planning Area, as identified in Exhibit 23.50A.))~~

2. The combined square footage of any one business establishment located on more than one lot is subject to the size limitations on non-industrial uses specified on Chart A.

~~((2))~~ 3. The ~~((maximum))~~ size ~~((of use limits))~~ limitation on non-industrial uses shall not apply to the areas identified in Exhibit 23.50.027A, provided that no single non-office use listed in Chart A may ~~((retail establishment shall))~~ exceed fifty thousand (50,000) square feet in size.

((CHART A for 23.50.027			
	INDUSTRIAL ZONES		
Categories of Uses Subject to Size of Use Limits	IG1	IG2 and IB	IC
Retail sales and service or entertainment except spectator sports facilities	30,000 sq. ft.	75,000 sq. ft.	75,000 sq. ft.
Office	50,000 sq. ft.	100,000 sq. ft.	N.M.S.L.



N.M.S.L. = No Maximum Size Limits))

CHART A INDUSTRIAL ZONES					
<u>Uses Subject to Size Limits</u>	<u>IG1</u>	<u>IG2</u>	<u>IB</u>	<u>IC Outside the Duwamish MIC</u>	<u>IC Within the Duwamish MIC</u>
<u>Animal Shelters and Kennels*</u>	<u>10,000 sq. ft.</u>	<u>10,000 sq. ft.</u>	<u>75,000 sq. ft.</u>	<u>75,000 sq. ft.</u>	<u>N.S.L.</u>
<u>Drinking establishments**</u>	<u>3,000 sq. ft.</u>	<u>3,000 sq. ft.</u>	<u>N.S.L.</u>	<u>N.S.L.</u>	<u>N.S.L.</u>
<u>Entertainment*</u>	<u>10,000 sq. ft.</u>	<u>10,000 sq. ft.</u>	<u>75,000 sq. ft.</u>	<u>75,000 sq. ft.</u>	<u>N.S.L.</u>
<u>Lodging Uses*</u>	<u>10,000 sq. ft.</u>	<u>10,000 sq. ft.</u>	<u>75,000 sq. ft.</u>	<u>75,000 sq. ft.</u>	<u>N.S.L.</u>
<u>Medical Services*</u>	<u>10,000 sq. ft.</u>	<u>10,000 sq. ft.</u>	<u>75,000 sq. ft.</u>	<u>75,000 sq. ft.</u>	<u>N.S.L.</u>
<u>Office</u>	<u>10,000 sq. ft.</u>	<u>25,000 sq. ft.</u>	<u>100,000 sq. ft.</u>	<u>N.S.L.</u>	<u>N.S.L.</u>
<u>Restaurants</u>	<u>5,000 sq. ft.</u>	<u>5,000 sq. ft.</u>	<u>N.S.L.</u>	<u>N.S.L.</u>	<u>N.S.L.</u>
<u>Retail Sales, Major Durables</u>	<u>10,000 sq. ft.</u>	<u>25,000 sq. ft.</u>	<u>75,000 sq. ft.</u>	<u>75,000 sq. ft.</u>	<u>N.S.L.</u>
<u>Sales and Services, Automotive</u>	<u>10,000 sq. ft.</u>	<u>25,000 sq. ft.</u>	<u>75,000 sq. ft.</u>	<u>75,000 sq. ft.</u>	<u>N.S.L.</u>
<u>Sales and Services, General</u>	<u>10,000 sq. ft.</u>	<u>25,000 sq. ft.</u>	<u>75,000 sq. ft.</u>	<u>75,000 sq. ft.</u>	<u>N.S.L.</u>

N.S.L. = No Size Limit

* Where permitted under Chart A of Section 23.50.012.

** The size limit for brew pubs applies to that portion of the pub that is not used for
brewing purposes.

((CHART B for 23.50.027 GENERAL INDUSTRIAL ZONES WITHIN DUWAMISH M/I CENTER
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Categories of Uses Subject to Size of Use Limits	IG1	IG2
Office uses	50,000 sq. ft.	100,000 sq. ft.
Retail sales and service (except for restaurants and drinking establishments)	25,000 sq. ft.	50,000 sq. ft.
Restaurants	5,000 sq. ft.	5,000 sq. ft.
Drinking establishments*	3,000 sq. ft.	3,000 sq. ft.
Meeting halls	N.M.S.L.	5,000 sq. ft.

N.M.S.L. = No Maximum Size Limits*

* The maximum size limit for brew pubs applies to that portion of the pub that is not used for brewing purposes.))

B. The following exceptions to the ~~((maximum size of use limits))~~ size limitations in Chart A are allowed for a structure existing as of September 26, 2007: ~~((April 3, 1995; and the following exceptions to maximum size of use limits in Chart B are allowed for a structure existing as of September 1, 1999 in the Duwamish Manufacturing/Industrial Center:))~~

1. A use legally established as of September 26, 2007 ~~((April 3, 1995))~~ that already exceeds the size limitations ~~((maximum size of use limits))~~ listed in Chart A may continue. ~~((; and uses legally established as of September 1, 1999 that then exceed the maximum size of use limits listed in Chart B may continue.))~~

2. Subject to the limitations in subsection E ~~((of this section))~~, the gross floor area of a use listed in Chart A and legally established as of September 26, 2007 ~~((April 3 1995))~~ may be converted to another category of use listed in Chart A provided that the combined gross floor area devoted to uses listed in Chart A does not exceed the total gross floor area of such uses legally established as of September 26, 2007. ~~((April 3, 1995; and the gross floor area of a use listed in Chart B and legally established as of September 1, 1999 may be converted to~~

1 ~~another category of use listed in Chart B provided that the combined gross floor area devoted to~~
2 ~~uses listed in Chart B does not exceed the total gross floor area of such uses legally established~~
3 ~~as of September 1, 1999.))~~

4 3. If fifty (50) percent or more of the gross floor area of the structure has been
5 legally established as of ~~((April 3, 1995))~~ September 26, 2007 with a use or uses listed in Chart
6 A, those categories of uses may exceed the size of use limits as follows:

7 a. Uses listed in Chart A may expand within and occupy the entire
8 structure.
9

10 b. The structure may be expanded by up to the following amounts and the
11 use or uses may be permitted to expand within and occupy the entire structure:

12 (1) IG1 and IG2 Zones: Twenty (20) percent of the existing
13 structure's gross floor area or ten thousand (10,000) square feet, whichever is less;
14

15 (2) ~~((IG2,))~~ IB and IC Zones: Twenty (20) percent of the existing
16 structure's gross floor area or twenty thousand (20,000) square feet, whichever is less.

17 ~~((4. Subject to the limitations in subsection E of this section, if fifty (50) percent~~
18 ~~or more of the gross floor area of the structure has been legally established as of September 1,~~
19 ~~1999 with a use or uses listed in Chart B, those categories of uses may exceed the size of use~~
20 ~~limits as follows:~~

21 a. ~~Uses listed in Chart B may expand within and occupy the entire~~
22 ~~structure.~~
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1 b. ~~The structure may be expanded by up to the following amounts and the~~
2 ~~use or uses may be permitted to expand within and occupy the entire structure, provided the~~
3 ~~structure has not previously been expanded pursuant to subsection E of this section:~~

4 (1) ~~IG1 Zone: Twenty (20) percent of the existing structure's gross~~
5 ~~floor area or ten thousand (10,000) square feet, whichever is less;~~

6 (2) ~~IG2 Zone: Twenty (20) percent of the existing structure's gross~~
7 ~~floor area or twenty thousand (20,000) square feet, whichever is less.))~~

8 * * *

9
10 E. Special Exception to Maximum Sizes ~~((Limits))~~ for ~~((Retail))~~ General Sales and
11 Service Use.

12 1. Subject to the procedures set forth in Chapter 23.76, Master Use Permits and
13 Council Land Use Decisions, a ~~((retail))~~ general sales and service use within the Duwamish
14 Manufacturing/Industrial Center that satisfies the criteria in this subsection may obtain a special
15 exception to expand its gross floor area by a maximum of thirty (30) percent above the gross
16 floor area being used for ~~((retail))~~ general sales and service use as of October 1, 2003. The
17 expansion in gross floor area may occur one time only, either by addition to the existing building
18 or by construction of a replacement building, in which case the gross floor area of the portion of
19 the replacement building to be used for ~~((retail))~~ general sales and service use must not exceed
20 the gross floor area of the old building that was used for ~~((retail))~~ general sales and service use as
21 of October 1, 2003, plus thirty (30) percent of that gross floor area.

22 2. To be eligible for this special exception an applicant must demonstrate to the
23 Director's satisfaction that:

1 a. The ~~((retail))~~general sales and service use was established on a lot on or
2 before January 1, 1985, the use has continued as an established ~~((retail))~~general sales and service
3 use since that date without interruption, and it exceeded the size of use limits in Chart A ~~((B))~~ as
4 of September 12, 2007 ~~((1, 1999))~~;

5 b. At least fifty (50) percent of the gross sales of the ~~((retail))~~general sales
6 and service use are to businesses or business representatives; and

7 c. The use has not previously converted any use listed in Chart ~~((B))~~A to
8 general~~((retail))~~ sales and service pursuant to subsection B2 of this section or expanded the gross
9 floor area of the ~~((retail))~~general sales and service use pursuant to subsections B.3~~((4))~~.a or
10 B.~~((4))~~3.b of this section.

11 3. The Director shall consider the following and may impose conditions to assure
12 that these criteria are met:

13 a. That well-defined boundaries, buffers, edge conditions or circulation
14 patterns will separate the use, if the gross floor area of the ~~((retail))~~general sales and service use
15 is expanded, from surrounding industrial activity;

16 b. That adverse impacts on nearby industrial uses are minimized; and

17 c. That the proposed expansion of the gross floor area of the
18 ~~((retail))~~general sales and service use will increase the capacity of the existing use to support
19 other businesses by providing goods and services that are used by such businesses as well as by
20 individual consumers in the Duwamish Manufacturing/Industrial Center.

21 4. To be eligible for expansion onto a contiguous lot that is not separated by a
22 street, alley or other right-of-way, the applicant also must demonstrate that:



1 a. The established use on the contiguous lot is a use that is permitted in
2 commercial as well as industrial zones, and that use has been established for at least ten (10)
3 years prior to the date of application; and

4 b. The most recent business establishment on the contiguous lot has
5 ceased operations or moved to another location for reasons unrelated to the proposed expansion
6 of the ~~((retail))~~ general sales and service use that is applying for the special exception.
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8 5. Any ~~((retail))~~ general sales and service use that has expanded its gross floor
9 area pursuant to a special exception granted pursuant to this section may not thereafter convert
10 any use listed in Chart A ~~((B))~~ to retail pursuant to subsection B2 of this section or expanded the
11 gross floor area of the ~~((retail))~~ general sales and service use pursuant to subsections B.3~~((4))~~.a or
12 B.3~~((4))~~.b of this section.
13

14 Section 2. Section 23.50.028 of the Seattle Municipal Code, which Section was last
15 amended by Ordinance 121828, is amended as follows:

16 **23.50.028 Floor area ratio.**

17 The floor area ratio (FAR), as provided below, shall determine the gross square footage
18 permitted.
19

20 A. General Industrial 1 and General Industrial 2, Floor Area Ratio. The total maximum
21 FAR shall be two and one-half (2.5).

22 B. ~~((General Industrial 2 and))~~ Industrial Buffer, Floor Area Ratio. The maximum FAR
23 for all ~~((General Industrial 2 (IG2) and))~~ uses on lots in the Industrial Buffer (IB) zone
24 ~~((uses))~~ shall be two and one half (2.5).
25

26 * * *



1 E. All Industrial Zones, Exemptions from FAR Calculations. The following areas shall
2 be exempt from FAR calculations:

- 3 1. All gross floor area below grade;
4 2. All gross floor area used for accessory parking;
5 3. All gross floor area used for mechanical equipment, stair and elevator
6 penthouses and communication equipment, stair and elevator penthouses and communication
7 equipment and antennas located on the rooftop of structures;
8


9 4. All gross floor area used((s)) for covered rooftop recreational space of a
10 building existing as of December 31, 1998, when complying with the provisions of Section
11 23.50.012D;
12

13 ~~((5. All gross floor area of a monorail station, including all floor area open to the~~
14 ~~general public during normal hours of station operation (but excluding retail or service~~
15 ~~establishments to which public access is limited to customers or clients, even where such~~
16 ~~establishments are primarily intended to serve monorail riders); and~~
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6-))5. Within the South Lake Union ((Hub-~~Urban Village~~)) Urban Center, gross floor area occupied by mechanical equipment, up to a maximum of fifteen (15) percent, is exempt from FAR calculations. The allowance is calculated on the gross floor area of the structure after all exempt space permitted under this subsection is deducted. Mechanical equipment located on the roof of a structure is not calculated as part of the total gross floor area of a structure.


Section 3. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 17th day of December, 2007, and signed by me in
open session in authentication of its passage this 17th day of December, 2007.




President _____ of the City Council

Approved by me this 20th day of Dec, 2007.


Gregory J. Nickels, Mayor

Filed by me this 20th day of December, 2007.


City Clerk

(Seal)



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Legislative	Ketil Freeman 4-8178	NA

Legislation Title:

AN ORDINANCE related to land use and zoning, amending Sections 23.50.027 and 23.50.028 of the Seattle Municipal Code to reduce the size limit for certain non-industrial uses in industrial zones.

• **Summary of the Legislation:**

The proposed Council Bill will reduce the maximum size of commercial uses permitted in the IG1 and IG2 zone classifications, reduce the maximum floor area ratio for certain commercial uses in the IG1 and IG2 zones, and limit the total size of commercial uses located on more than one lot. Proposed maximum size limits would not apply to accessory uses.

• **Background:**

This legislation is offered as a Council-generated alternative to the Mayor's proposed bill 116023. This legislation is based on findings from the Planning Commission's *The Future of Seattle's Industrial Lands*, the Department of Planning and Development's *Seattle's Industrial Lands Background Report*, and testimony from a Council hearing on October 22nd.

• *Please check one of the following:*

X **This legislation does not have any financial implications.** (Stop here and delete the remainder of this document prior to saving and printing.)

ORDINANCE _____

AN ORDINANCE related to land use and zoning, amending Sections 23.50.027 and 23.50.028 of the Seattle Municipal Code to reduce the size limit for certain non-industrial uses in industrial zones.

WHEREAS the City's policy, as expressed in the Comprehensive Plan, directs the City to "(p)reserve industrial land for industrial uses..."; and

WHEREAS, the City has conducted studies indicating a continuing high demand for industrial businesses to locate in the city; and

WHEREAS, the City's studies further indicate that development of retail and office uses in industrial zones reduces the amount of land available for industrial uses and inhibits the ability of industrial businesses to locate, remain or expand in the city; and

WHEREAS, the City's current regulations allow new office uses of 50,000 square feet in the general industrial 1 (IG1) zone and 100,000 square feet in the general industrial 2 (IG2) zone and retail uses of 30,000 square feet and 75,000 square feet, respectively, in these zones; and

WHEREAS, a series of reports on Seattle's Industrial Lands indicate that stricter limits on office and retail uses could better fulfill the intent of the City's adopted policy of preserving industrial land for industrial uses and discourage competition for industrial land by nonindustrial uses; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.50.027 of the Seattle Municipal Code, which Section was last amended by Ordinance 121281 is amended as follows:

23.50.027 Maximum size of nonindustrial use.

A. Applicability.

1. Except as provided in subsections B, C, D and E of this section (~~(below)~~), the gross floor area of non-industrial uses on a lot shall not exceed the size limitations shown on Chart A~~((the maximum size of use limits on gross floor area specified in Chart A or, for lots~~



located in the Duwamish Manufacturing/Industrial Center, Chart B)) of this section. ~~((shall apply to uses on a lot.))~~ The ~~((maximum))~~ size limitations ~~((of use limits))~~ apply to ~~((both))~~ principal ~~((and accessory))~~ uses listed on Chart A ~~((on a lot))~~. ~~((The limits shall be applied separately to the categories of uses listed in the respective charts of this section.))~~ The total gross floor area occupied by one or more of the uses listed on ~~((limited under the respective charts of this section))~~ Chart A shall not exceed an area equal to one-half (0.5) the area of the lot in an IG1 or IG2 zone, or two and one-half (2.5) times the area of the lot in an ~~((IG2,))~~ IB or IC zone, or three (3) times the lot area in IC zones with sixty-five (65) foot or eighty-five (85) foot height limits in the South Lake Union Urban Center. ~~((Planning Area, as identified in Exhibit 23.50A.))~~

2. The combined square footage of any one business establishment located on more than one lot is subject to the size limitations on non-industrial uses specified on Chart A.

~~((2))~~ 3. The ~~((maximum))~~ size ~~((of use limits))~~ limitation on non-industrial uses shall not apply to the areas identified in Exhibit 23.50.027A, provided that no single non-office use listed in Chart A may ~~((retail establishment shall))~~ exceed fifty thousand (50,000) square feet in size.

((CHART A for 23.50.027			
INDUSTRIAL ZONES			
Categories of Uses Subject to Size of Use Limits	IG1	IG2 and IB	IC
Retail sales and service or entertainment except spectator sports facilities	30,000 sq. ft.	75,000 sq. ft.	75,000 sq. ft.
Office	50,000 sq. ft.	100,000 sq. ft.	N.M.S.L.

N.M.S.L. = No Maximum Size Limits))



**CHART A
INDUSTRIAL ZONES**

Uses Subject to Size Limits	IG1	IG2	IB	IC
<u>Animal Shelters and Kennels*</u>	<u>10,000 sq. ft.</u>	<u>10,000 sq. ft.</u>	<u>75,000 sq. ft.</u>	<u>75,000 sq. ft.</u>
<u>Drinking establishments**</u>	<u>3,000 sq. ft.</u>	<u>3,000 sq. ft.</u>	<u>N.S.L.</u>	<u>N.S.L.</u>
<u>Entertainment*</u>	<u>10,000 sq. ft.</u>	<u>10,000 sq. ft.</u>	<u>75,000 sq. ft.</u>	<u>75,000 sq. ft.</u>
<u>Lodging Uses*</u>	<u>10,000 sq. ft.</u>	<u>10,000 sq. ft.</u>	<u>75,000 sq. ft.</u>	<u>75,000 sq. ft.</u>
<u>Medical Services*</u>	<u>10,000 sq. ft.</u>	<u>10,000 sq. ft.</u>	<u>75,000 sq. ft.</u>	<u>75,000 sq. ft.</u>
<u>Office</u>	<u>10,000 sq. ft.</u>	<u>25,000 sq. ft.</u>	<u>100,000 sq. ft.</u>	<u>N.S.L.</u>
<u>Restaurants</u>	<u>5,000 sq. ft.</u>	<u>5,000 sq. ft.</u>	<u>N.S.L.</u>	<u>N.S.L.</u>
<u>Retail Sales, Major Durables</u>	<u>10,000 sq. ft.</u>	<u>25,000 sq. ft.</u>	<u>75,000 sq. ft.</u>	<u>75,000 sq. ft.</u>
<u>Sales and Services, Automotive</u>	<u>10,000 sq. ft.</u>	<u>25,000 sq. ft.</u>	<u>75,000 sq. ft.</u>	<u>75,000 sq. ft.</u>
<u>Sales and Services, General</u>	<u>10,000 sq. ft.</u>	<u>25,000 sq. ft.</u>	<u>75,000 sq. ft.</u>	<u>75,000 sq. ft.</u>

N.S.L. = No Size Limit

* Where permitted under Chart A of Section 23.50.012.

** The size limit for brew pubs applies to that portion of the pub that is not used for brewing purposes.

**((CHART B for 23.50.027
GENERAL INDUSTRIAL ZONES
WITHIN DUWAMISH M/I CENTER**

Categories of Uses Subject to Size of Use Limits	IG1	IG2
<u>Office uses</u>	<u>50,000 sq. ft.</u>	<u>100,000 sq. ft.</u>
<u>Retail sales and service (except for restaurants and drinking establishments)</u>	<u>25,000 sq. ft.</u>	<u>50,000 sq. ft.</u>
<u>Restaurants</u>	<u>5,000 sq. ft.</u>	<u>5,000 sq. ft.</u>
<u>Drinking establishments*</u>	<u>3,000 sq. ft.</u>	<u>3,000 sq. ft.</u>
<u>Meeting halls</u>	<u>N.M.S.L.</u>	<u>5,000 sq. ft.</u>

1 ~~N.M.S.L. = No Maximum Size Limits*~~

2 ~~* The maximum size limit for brew pubs applies to that portion of the pub that is not used for~~
3 ~~brewing purposes.))~~

4 B. The following exceptions to the ~~((maximum size of use limits))~~ size limitations in
5 Chart A are allowed for a structure existing as of September 26, 2007: ~~((April 3, 1995; and the~~
6 ~~following exceptions to maximum size of use limits in Chart B are allowed for a structure~~
7 ~~existing as of September 1, 1999 in the Duwamish Manufacturing/Industrial Center:))~~

9 1. A use legally established as of September 26, 2007 ~~((April 3, 1995))~~ that
10 already exceeds the size limitations ~~((maximum size of use limits))~~ listed in Chart A may
11 continue. ~~((; and uses legally established as of September 1, 1999 that then exceed the maximum~~
12 ~~size of use limits listed in Chart B may continue.))~~

13 2. Subject to the limitations in subsection E ~~((of this section))~~, the gross floor
14 area of a use listed in Chart A and legally established as of September 26, 2007 ~~((April 3~~
15 ~~1995))~~ may be converted to another category of use listed in Chart A provided that the combined
16 gross floor area devoted to uses listed in Chart A does not exceed the total gross floor area of
17 such uses legally established as of September 26, 2007. ~~((April 3, 1995; and the gross floor area~~
18 ~~of a use listed in Chart B and legally established as of September 1, 1999 may be converted to~~
19 ~~another category of use listed in Chart B provided that the combined gross floor area devoted to~~
20 ~~uses listed in Chart B does not exceed the total gross floor area of such uses legally established~~
21 ~~as of September 1, 1999.))~~

3. If fifty (50) percent or more of the gross floor area of the structure has been legally established as of ~~((April 3, 1995))~~ September 26, 2007 with a use or uses listed in Chart A, those categories of uses may exceed the size of use limits as follows:

a. Uses listed in Chart A may expand within and occupy the entire structure.

b. The structure may be expanded by up to the following amounts and the use or uses may be permitted to expand within and occupy the entire structure:

(1) IG1 and IG2 Zones: Twenty (20) percent of the existing structure's gross floor area or ten thousand (10,000) square feet, whichever is less;

(2) ~~((IG2,))~~ IB and IC Zones: Twenty (20) percent of the existing structure's gross floor area or twenty thousand (20,000) square feet, whichever is less.

~~((4. Subject to the limitations in subsection E of this section, if fifty (50) percent or more of the gross floor area of the structure has been legally established as of September 1, 1999 with a use or uses listed in Chart B, those categories of uses may exceed the size of use limits as follows:~~

~~a. Uses listed in Chart B may expand within and occupy the entire structure.~~

~~b. The structure may be expanded by up to the following amounts and the use or uses may be permitted to expand within and occupy the entire structure, provided the structure has not previously been expanded pursuant to subsection E of this section:~~

~~(1) IG1 Zone: Twenty (20) percent of the existing structure's gross floor area or ten thousand (10,000) square feet, whichever is less;~~

(2) ~~IG2 Zone: Twenty (20) percent of the existing structure's gross floor area or twenty thousand (20,000) square feet, whichever is less.~~)

* * *

E. Special Exception to Maximum Sizes ~~((Limits))~~ for ~~((Retail))~~ General Sales and Service Use.

1. Subject to the procedures set forth in Chapter 23.76, Master Use Permits and Council Land Use Decisions, a ~~((retail))~~ general sales and service use within the Duwamish Manufacturing/Industrial Center that satisfies the criteria in this subsection may obtain a special exception to expand its gross floor area by a maximum of thirty (30) percent above the gross floor area being used for ~~((retail))~~ general sales and service use as of October 1, 2003. The expansion in gross floor area may occur one time only, either by addition to the existing building or by construction of a replacement building, in which case the gross floor area of the portion of the replacement building to be used for ~~((retail))~~ general sales and service use must not exceed the gross floor area of the old building that was used for ~~((retail))~~ general sales and service use as of October 1, 2003, plus thirty (30) percent of that gross floor area.

2. To be eligible for this special exception an applicant must demonstrate to the Director's satisfaction that:

a. The ~~((retail))~~ general sales and service use was established on a lot on or before January 1, 1985, the use has continued as an established ~~((retail))~~ general sales and service use since that date without interruption, and it exceeded the size of use limits in Chart A ~~((B))~~ as of September 12, 2007 ~~((1, 1999))~~;



1 b. At least fifty (50) percent of the gross sales of the ((~~retail~~))general sales
2 and service use are to businesses or business representatives; and

3 c. The use has not previously converted any use listed in Chart ((B))A to
4 general((~~retail~~)) sales and service pursuant to subsection B2 of this section or expanded the gross
5 floor area of the ((~~retail~~))general sales and service use pursuant to subsections B.3((4)).a or
6 B.((4))3.b of this section.
7

8 3. The Director shall consider the following and may impose conditions to assure
9 that these criteria are met:

10 a. That well-defined boundaries, buffers, edge conditions or circulation
11 patterns will separate the use, if the gross floor area of the ((~~retail~~))general sales and service use
12 is expanded, from surrounding industrial activity;

13 b. That adverse impacts on nearby industrial uses are minimized; and

14 c. That the proposed expansion of the gross floor area of the
15 ((~~retail~~))general sales and service use will increase the capacity of the existing use to support
16 other businesses by providing goods and services that are used by such businesses as well as by
17 individual consumers in the Duwamish Manufacturing/Industrial Center.
18

19 4. To be eligible for expansion onto a contiguous lot that is not separated by a
20 street, alley or other right-of-way, the applicant also must demonstrate that:

21 a. The established use on the contiguous lot is a use that is permitted in
22 commercial as well as industrial zones, and that use has been established for at least ten (10)
23 years prior to the date of application; and
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b. The most recent business establishment on the contiguous lot has ceased operations or moved to another location for reasons unrelated to the proposed expansion of the ~~((retail))~~ general sales and service use that is applying for the special exception.

5. Any ~~((retail))~~ general sales and service use that has expanded its gross floor area pursuant to a special exception granted pursuant to this section may not thereafter convert any use listed in Chart A ~~((B))~~ to retail pursuant to subsection B2 of this section or expanded the gross floor area of the ~~((retail))~~ general sales and service use pursuant to subsections B.3~~((4))~~.a or B.3~~((4))~~.b of this section.

Section 2. Section 23.50.028 of the Seattle Municipal Code, which Section was last amended by Ordinance 121828, is amended as follows:

23.50.028 Floor area ratio.

The floor area ratio (FAR), as provided below, shall determine the gross square footage permitted.

A. General Industrial 1 and General Industrial 2, Floor Area Ratio. The total maximum FAR shall be two and one-half (2.5) for permitted uses not listed in Chart A of Section 23.50.027. For uses listed in Chart A of Section 23.50.027, the total maximum FAR shall be one-half (0.5).

B. ~~((General Industrial 2 and))~~ Industrial Buffer, Floor Area Ratio. The maximum FAR for all ~~((General Industrial 2 (IG2) and))~~ uses on lots in the Industrial Buffer (IB) zone ~~((uses))~~ shall be two and one half (2.5).

* * *

1 E. All Industrial Zones, Exemptions from FAR Calculations. The following areas shall
2 be exempt from FAR calculations:

- 3 1. All gross floor area below grade;
4 2. All gross floor area used for accessory parking;
5 3. All gross floor area used for mechanical equipment, stair and elevator
6 penthouses and communication equipment, stair and elevator penthouses and communication
7 equipment and antennas located on the rooftop of structures;
8

9 4. All gross floor area used((s)) for covered rooftop recreational space of a
10 building existing as of December 31, 1998, when complying with the provisions of Section
11 23.50.012D;
12

13 ~~((5. All gross floor area of a monorail station, including all floor area open to the
14 general public during normal hours of station operation (but excluding retail or service
15 establishments to which public access is limited to customers or clients, even where such
16 establishments are primarily intended to serve monorail riders); and
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Passed by the City Council the ____ day of _____, 2007, and signed by me in
open session in authentication of its passage this ____ day of _____, 2007.

Approved by me this day of , 2007.

Filed by me this day of , 2007.

(Seal)

ORDINANCE _____

AN ORDINANCE related to land use and zoning, amending Sections 23.50.027 and 23.50.028 of the Seattle Municipal Code to reduce the size limit for certain non-industrial uses in industrial zones.

WHEREAS the City's policy, as expressed in the Comprehensive Plan, directs the City to "(p)reserve industrial land for industrial uses..."; and

WHEREAS, the City has conducted studies indicating a continuing high demand for industrial businesses to locate in the city; and

WHEREAS, the City's studies further indicate that development of retail and office uses in industrial zones reduces the amount of land available for industrial uses and inhibits the ability of industrial businesses to locate, remain or expand in the city; and

WHEREAS, the City's current regulations allow new office uses of 50,000 square feet in the general industrial 1 (IG1) zone and 100,000 square feet in the general industrial 2 (IG2) zone and retail uses of 30,000 square feet and 75,000 square feet, respectively, in these zones; and

WHEREAS, a series of reports on Seattle's Industrial Lands indicate that stricter limits on office and retail uses could better fulfill the intent of the City's adopted policy of preserving industrial land for industrial uses and discourage competition for industrial land by nonindustrial uses; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.50.027 of the Seattle Municipal Code, which Section was last amended by Ordinance 121281 is amended as follows:

23.50.027 Maximum size of nonindustrial use.

A. Applicability.

1. Except as provided in subsections B, C, D and E of this section (~~below~~), the gross floor area of non-industrial uses on a lot shall not exceed the size limitations shown on Chart A (~~the maximum size of use limits on gross floor area specified in Chart A or, for lots~~

located in the Duwamish Manufacturing/Industrial Center, ~~Chart B~~) of this section. ~~((shall apply to uses on a lot.))~~ The ~~((maximum))~~ size limitations ~~((of use limits))~~ apply to ~~((both))~~ principal ~~((and accessory))~~ uses listed on Chart A ~~((on a lot))~~. ~~((The limits shall be applied separately to the categories of uses listed in the respective charts of this section.))~~ The total gross floor area occupied by one or more of the uses listed on ~~((limited under the respective charts of this section))~~ Chart A shall not exceed an area equal to one-half (0.5) the area of the lot in an IG1 or IG2 zone, or two and one-half (2.5) times the area of the lot in an ~~((IG2,))~~ IB or IC zone, or three (3) times the lot area in IC zones with sixty-five (65) foot or eighty-five (85) foot height limits in the South Lake Union Urban Center. ~~((Planning Area, as identified in Exhibit 23.50A.))~~

2. The combined square footage of any one business establishment located on more than one lot is subject to the size limitations on non-industrial uses specified on Chart A.

~~((2))~~ 3. The ~~((maximum))~~ size ~~((of use limits))~~ limitation on non-industrial uses shall not apply to the areas identified in Exhibit 23.50.027A, provided that no single non-office use listed in Chart A may ~~((retail establishment shall))~~ exceed fifty thousand (50,000) square feet in size.

((CHART A for 23.50.027			
INDUSTRIAL ZONES			
Categories of Uses Subject to Size of Use Limits	IG1	IG2 and IB	IC
Retail sales and service or entertainment except spectator sports facilities	30,000 sq. ft.	75,000 sq. ft.	75,000 sq. ft.
Office	50,000 sq. ft.	100,000 sq. ft.	N.M.S.L.

N.M.S.L. = No Maximum Size Limits))



**CHART A
 INDUSTRIAL ZONES**

<u>Uses Subject to Size Limits</u>	<u>IG1</u>	<u>IG2</u>	<u>IB</u>	<u>IC Outside the Duwamish MIC</u>	<u>IC Within the Duwamish MIC</u>
<u>Animal Shelters and Kennels*</u>	<u>10,000 sq. ft.</u>	<u>10,000 sq. ft.</u>	<u>75,000 sq. ft.</u>	<u>75,000 sq. ft.</u>	<u>N.S.L.</u>
<u>Drinking establishments**</u>	<u>3,000 sq. ft.</u>	<u>3,000 sq. ft.</u>	<u>N.S.L.</u>	<u>N.S.L.</u>	<u>N.S.L.</u>
<u>Entertainment*</u>	<u>10,000 sq. ft.</u>	<u>10,000 sq. ft.</u>	<u>75,000 sq. ft.</u>	<u>75,000 sq. ft.</u>	<u>N.S.L.</u>
<u>Lodging Uses*</u>	<u>10,000 sq. ft.</u>	<u>10,000 sq. ft.</u>	<u>75,000 sq. ft.</u>	<u>75,000 sq. ft.</u>	<u>N.S.L.</u>
<u>Medical Services*</u>	<u>10,000 sq. ft.</u>	<u>10,000 sq. ft.</u>	<u>75,000 sq. ft.</u>	<u>75,000 sq. ft.</u>	<u>N.S.L.</u>
<u>Office</u>	<u>10,000 sq. ft.</u>	<u>25,000 sq. ft.</u>	<u>100,000 sq. ft.</u>	<u>N.S.L.</u>	<u>N.S.L.</u>
<u>Restaurants</u>	<u>5,000 sq. ft.</u>	<u>5,000 sq. ft.</u>	<u>N.S.L.</u>	<u>N.S.L.</u>	<u>N.S.L.</u>
<u>Retail Sales, Major Durables</u>	<u>10,000 sq. ft.</u>	<u>25,000 sq. ft.</u>	<u>75,000 sq. ft.</u>	<u>75,000 sq. ft.</u>	<u>N.S.L.</u>
<u>Sales and Services, Automotive</u>	<u>10,000 sq. ft.</u>	<u>25,000 sq. ft.</u>	<u>75,000 sq. ft.</u>	<u>75,000 sq. ft.</u>	<u>N.S.L.</u>
<u>Sales and Services, General</u>	<u>10,000 sq. ft.</u>	<u>25,000 sq. ft.</u>	<u>75,000 sq. ft.</u>	<u>75,000 sq. ft.</u>	<u>N.S.L.</u>

N.S.L. = No Size Limit

* Where permitted under Chart A of Section 23.50.012.

** The size limit for brew pubs applies to that portion of the pub that is not used for
 brewing purposes.

((CHART B for 23.50.027

**GENERAL INDUSTRIAL ZONES
 WITHIN DUWAMISH M/I CENTER**

<u>Categories of Uses Subject</u>	<u>IG1</u>	<u>IG2</u>
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to Size of Use Limits		
Office uses	50,000 sq. ft.	100,000 sq. ft.
Retail sales and service (except for restaurants and drinking establishments)	25,000 sq. ft.	50,000 sq. ft.
Restaurants	5,000 sq. ft.	5,000 sq. ft.
Drinking establishments*	3,000 sq. ft.	3,000 sq. ft.
Meeting halls	N.M.S.L.	5,000 sq. ft.

N.M.S.L. = No Maximum Size Limits*

* The maximum size limit for brew pubs applies to that portion of the pub that is not used for brewing purposes.))

B. The following exceptions to the ~~((maximum size of use limits))~~ size limitations in Chart A are allowed for a structure existing as of September 26, 2007: ~~((April 3, 1995; and the following exceptions to maximum size of use limits in Chart B are allowed for a structure existing as of September 1, 1999 in the Duwamish Manufacturing/Industrial Center:))~~

1. A use legally established as of September 26, 2007 ~~((April 3, 1995))~~ that already exceeds the size limitations ~~((maximum size of use limits))~~ listed in Chart A may continue ~~((; and uses legally established as of September 1, 1999 that then exceed the maximum size of use limits listed in Chart B may continue.))~~

2. Subject to the limitations in subsection E ~~((of this section))~~, the gross floor area of a use listed in Chart A and legally established as of September 26, 2007 ~~((April 3 1995))~~ may be converted to another category of use listed in Chart A provided that the combined gross floor area devoted to uses listed in Chart A does not exceed the total gross floor area of such uses legally established as of September 26, 2007. ~~((April 3, 1995; and the gross floor area of a use listed in Chart B and legally established as of September 1, 1999 may be converted to another category of use listed in Chart B provided that the combined gross floor area devoted to~~

1 uses listed in Chart B does not exceed the total gross floor area of such uses legally established
2 as of September 1, 1999.))

3 3. If fifty (50) percent or more of the gross floor area of the structure has been
4 legally established as of ((April 3, 1995)) September 26, 2007 with a use or uses listed in Chart
5 A, those categories of uses may exceed the size of use limits as follows:

6 a. Uses listed in Chart A may expand within and occupy the entire
7 structure.
8

9 b. The structure may be expanded by up to the following amounts and the
10 use or uses may be permitted to expand within and occupy the entire structure:

11 (1) IG1 and IG2 Zones: Twenty (20) percent of the existing
12 structure's gross floor area or ten thousand (10,000) square feet, whichever is less;
13

14 (2) ((IG2,)) IB and IC Zones: Twenty (20) percent of the existing
15 structure's gross floor area or twenty thousand (20,000) square feet, whichever is less.

16 ((4. Subject to the limitations in subsection E of this section, if fifty (50) percent
17 or more of the gross floor area of the structure has been legally established as of September 1,
18 1999 with a use or uses listed in Chart B, those categories of uses may exceed the size of use
19 limits as follows:

20 a. Uses listed in Chart B may expand within and occupy the entire
21 structure.
22

23 b. The structure may be expanded by up to the following amounts and the
24 use or uses may be permitted to expand within and occupy the entire structure, provided the
25 structure has not previously been expanded pursuant to subsection E of this section:
26



1 (1) ~~IG1 Zone: Twenty (20) percent of the existing structure's gross~~
2 ~~floor area or ten thousand (10,000) square feet, whichever is less;~~

3 (2) ~~IG2 Zone: Twenty (20) percent of the existing structure's gross~~
4 ~~floor area or twenty thousand (20,000) square feet, whichever is less.))~~

5 * * *

6
7 E. Special Exception to Maximum Sizes ~~((Limits))~~ for ~~((Retail))~~ General Sales and
8 Service Use.

9 1. Subject to the procedures set forth in Chapter 23.76, Master Use Permits and
10 Council Land Use Decisions, a ~~((retail))~~ general sales and service use within the Duwamish
11 Manufacturing/Industrial Center that satisfies the criteria in this subsection may obtain a special
12 exception to expand its gross floor area by a maximum of thirty (30) percent above the gross
13 floor area being used for ~~((retail))~~ general sales and service use as of October 1, 2003. The
14 expansion in gross floor area may occur one time only, either by addition to the existing building
15 or by construction of a replacement building, in which case the gross floor area of the portion of
16 the replacement building to be used for ~~((retail))~~ general sales and service use must not exceed
17 the gross floor area of the old building that was used for ~~((retail))~~ general sales and service use as
18 of October 1, 2003, plus thirty (30) percent of that gross floor area.

19
20
21 2. To be eligible for this special exception an applicant must demonstrate to the
22 Director's satisfaction that:

23 a. The ~~((retail))~~ general sales and service use was established on a lot on or
24 before January 1, 1985, the use has continued as an established ~~((retail))~~ general sales and service
25



1 use since that date without interruption, and it exceeded the size of use limits in Chart A ((B)) as
2 of September 12, 2007 ((1, 1999));

3 b. At least fifty (50) percent of the gross sales of the ((retail))general sales
4 and service use are to businesses or business representatives; and

5 c. The use has not previously converted any use listed in Chart ((B))A to
6 general((retail)) sales and service pursuant to subsection B2 of this section or expanded the gross
7 floor area of the ((retail))general sales and service use pursuant to subsections B.3((4)).a or
8 B.((4))3.b of this section.

9
10 3. The Director shall consider the following and may impose conditions to assure
11 that these criteria are met:

12 a. That well-defined boundaries, buffers, edge conditions or circulation
13 patterns will separate the use, if the gross floor area of the ((retail))general sales and service use
14 is expanded, from surrounding industrial activity;

15
16 b. That adverse impacts on nearby industrial uses are minimized; and

17 c. That the proposed expansion of the gross floor area of the
18 ((retail))general sales and service use will increase the capacity of the existing use to support
19 other businesses by providing goods and services that are used by such businesses as well as by
20 individual consumers in the Duwamish Manufacturing/Industrial Center.

21
22 4. To be eligible for expansion onto a contiguous lot that is not separated by a
23 street, alley or other right-of-way, the applicant also must demonstrate that:



1 a. The established use on the contiguous lot is a use that is permitted in
2 commercial as well as industrial zones, and that use has been established for at least ten (10)
3 years prior to the date of application; and

4 b. The most recent business establishment on the contiguous lot has
5 ceased operations or moved to another location for reasons unrelated to the proposed expansion
6 of the ~~((retail))~~ general sales and service use that is applying for the special exception.
7

8 5. Any ~~((retail))~~ general sales and service use that has expanded its gross floor
9 area pursuant to a special exception granted pursuant to this section may not thereafter convert
10 any use listed in Chart A ~~((B))~~ to retail pursuant to subsection B2 of this section or expanded the
11 gross floor area of the ~~((retail))~~ general sales and service use pursuant to subsections B.3~~((4))~~.a or
12 B.3~~((4))~~.b of this section.
13

14 Section 2. Section 23.50.028 of the Seattle Municipal Code, which Section was last
15 amended by Ordinance 121828, is amended as follows:

16 **23.50.028 Floor area ratio.**

17 The floor area ratio (FAR), as provided below, shall determine the gross square footage
18 permitted.
19

20 A. General Industrial 1 and General Industrial 2, Floor Area Ratio. The total maximum
21 FAR shall be two and one-half (2.5).

22 B. ~~((General Industrial 2 and))~~ Industrial Buffer, Floor Area Ratio. The maximum FAR
23 for all ~~((General Industrial 2 (IG2) and))~~ uses on lots in the Industrial Buffer (IB) zone
24 ~~((uses))~~ shall be two and one half (2.5).
25

26 * * *



1 E. All Industrial Zones, Exemptions from FAR Calculations. The following areas shall
2 be exempt from FAR calculations:

- 3 1. All gross floor area below grade;
4 2. All gross floor area used for accessory parking;
5 3. All gross floor area used for mechanical equipment, stair and elevator
6 penthouses and communication equipment, stair and elevator penthouses and communication
7 equipment and antennas located on the rooftop of structures;
8

9 4. All gross floor area used((s)) for covered rooftop recreational space of a
10 building existing as of December 31, 1998, when complying with the provisions of Section
11 23.50.012D;

12 ~~((5. All gross floor area of a monorail station, including all floor area open to the~~
13 ~~general public during normal hours of station operation (but excluding retail or service~~
14 ~~establishments to which public access is limited to customers or clients, even where such~~
15 ~~establishments are primarily intended to serve monorail riders); and~~
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STATE OF WASHINGTON – KING COUNTY

--SS.

218868
CITY OF SEATTLE, CLERKS OFFICE

No.

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

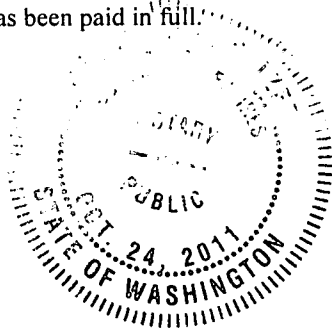
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:122601 ORDINANCE


was published on

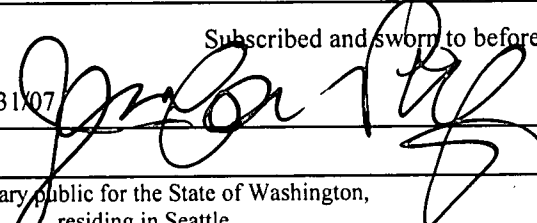
12/31/07

The amount of the fee charged for the foregoing publication is the sum of \$ 530.10, which amount has been paid in full.



Affidavit of Publication



Subscribed and sworn to before me on
12/31/07 

Notary public for the State of Washington,
residing in Seattle

City of Seattle

ORDINANCE 122601

AN ORDINANCE related to land use and zoning, amending Sections 23.50.027 and 23.50.028 of the Seattle Municipal Code to reduce the size limit for certain non-industrial uses in industrial zones.

WHEREAS the City's policy, as expressed in the Comprehensive Plan, directs the City to "(p)reserve industrial land for industrial uses..."; and

WHEREAS, the City has conducted studies indicating a continuing high demand for industrial businesses to locate in the city; and

WHEREAS, the City's studies further indicate that development of retail and office uses in industrial zones reduces the amount of land available for industrial uses and inhibits the ability of industrial businesses to locate, remain or expand in the city; and

WHEREAS, the City's current regulations allow new office uses of 50,000 square feet in the general industrial 1 (IG1) zone and 100,000 square feet in the general industrial 2 (IG2) zone and retail uses of 30,000 square feet and 75,000 square feet, respectively, in these zones; and

WHEREAS, a series of reports on Seattle's Industrial Lands indicate that stricter limits on office and retail uses could better fulfill the intent of the City's adopted policy of preserving industrial land for industrial uses and discourage competition for industrial land by nonindustrial uses; NOW, THEREFORE,

BE IT ORDERED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.50.027 of the Seattle Municipal Code, which Section was last amended by Ordinance 121281 is amended as follows:

23.50.027 Maximum size of nonindustrial use.

A. Applicability.

1. Except as provided in subsections B, C, D and E of this section (below), the gross floor area of non-industrial uses on a lot shall not exceed the size limitations shown on Chart A (the maximum size of use limits on gross floor area specified in Chart A or, for lots located in the Duwamish Manufacturing/Industrial Center, Chart B) of this section, ((shall apply to uses on a lot.)) The ((maximum)) size limitations ((of use limits)) apply to ((both)) principal ((and accessory)) uses listed on Chart A ((on a lot)). ((The limits shall be applied separately to the categories of uses listed in the respective charts of this section.)) The total gross floor area occupied by one or more of the uses listed on ((limited under the respective charts of this section)) Chart A shall not exceed an area equal to two and one-half (2.5) times the area of the lot in an IG1 or IG2 zone, or two and one-half (2.5) times the area of the lot in an ((IG2)) IB or IC zone, or three (3) times the lot area in IC zones with sixty-five (65) foot or eighty-five (85) foot height limits in the South Lake Union Urban Center. ((Planning Area, as identified in Exhibit 23-50A.))

2. The combined square footage of any one business establishment located on more than one lot is subject to the size limitations on non-industrial uses specified on Chart A.

((B)) 3. The ((maximum)) size ((of use limits)) limitation on non-industrial uses shall not apply to the areas identified in Exhibit 23.50.027A, provided that no single non-office use listed in Chart A may ((retail establishment shall)) exceed fifty thousand (50,000) square feet in size.

((CHART A for 23.50.027

INDUSTRIAL ZONES

Categories of Uses Subject to Size of Use Limits -- IG1 -- IG2 and IB -- IG

Retail sales and service or entertainment except spectator sports facilities -- 30,000 sq. ft. -- 75,000 sq. ft. -- 75,000 sq. ft.

Office -- 50,000 sq. ft. -- 100,000 sq. ft. -- N.M.S.L.

N.M.S.L. = No Maximum Size Limits))

State of Washington, King County

CHART A

INDUSTRIAL ZONES

Uses Subject to Size Limits -- IG1 -- IG2 -- IB -- IC Outside the Duwamish MIC -- IC Within the Duwamish MIC

Animal Shelters and Kennels* -- 10,000 sq. ft. -- 10,000 sq. ft. -- 75,000 sq. ft. -- N.S.L.

Drinking establishments** -- 3,000 sq. ft. -- 3,000 sq. ft. -- N.S.L. -- N.S.L. -- N.S.L.

Entertainment* -- 10,000 sq. ft. -- 10,000 sq. ft. -- 75,000 sq. ft. -- 75,000 sq. ft. -- N.S.L.

Lodging Uses* -- 10,000 sq. ft. -- 10,000 sq. ft. -- 75,000 sq. ft. -- 75,000 sq. ft. -- N.S.L.

Medical Services* -- 10,000 sq. ft. -- 10,000 sq. ft. -- 75,000 sq. ft. -- 75,000 sq. ft. -- N.S.L.

Office -- 10,000 sq. ft. -- 25,000 sq. ft. -- 100,000 sq. ft. -- N.S.L. -- N.S.L.

Restaurants -- 5,000 sq. ft. -- 5,000 sq. ft. -- N.S.L. -- N.S.L. -- N.S.L.

Retail Sales, Major Durables -- 10,000 sq. ft. -- 25,000 sq. ft. -- 75,000 sq. ft. -- 75,000 sq. ft. -- N.S.L.

Sales and Services, Automotive -- 10,000 sq. ft. -- 25,000 sq. ft. -- 75,000 sq. ft. -- 75,000 sq. ft. -- N.S.L.

Sales and Services, General -- 10,000 sq. ft. -- 25,000 sq. ft. -- 75,000 sq. ft. -- 75,000 sq. ft. -- N.S.L.

N.S.L. = No Size Limit

* Where permitted under Chart A of Section 23.50.012.

** The size limit for brew pubs applies to that portion of the pub that is not used for brewing purposes.

((CHART B for 23.50.027

GENERAL INDUSTRIAL ZONES

WITHIN DUWAMISH MIC CENTER

Categories of Uses Subject to Size of Use Limits -- IG1 -- IG2

Office uses -- 50,000 sq. ft. -- 100,000 sq. ft.

Retail sales and service (except for restaurants and drinking establishments) -- 25,000 sq. ft. -- 50,000 sq. ft.

Restaurants -- 5,000 sq. ft. -- 5,000 sq. ft.

Drinking establishments* -- 3,000 sq. ft. -- 3,000 sq. ft.

Meeting halls -- N.M.S.L. -- 5,000 sq. ft.

N.M.S.L. = No Maximum Size Limits*

* The maximum size limit for brew pubs applies to that portion of the pub that is not used for brewing purposes.))

B. The following exceptions to the ((maximum size of use limits)) size limitations in Chart A are allowed for a structure existing as of September 26, 2007: ((April 8, 1996; and the following exceptions to maximum size of use limits in Chart B are allowed for a structure existing as of September 1, 1999 in the Duwamish Manufacturing/Industrial Center:))

1. A use legally established as of September 26, 2007 ((April 8, 1996;)) that already exceeds the size limitations ((maximum size of use limits)) listed in Chart A may continue, ((and uses legally established as of September 1, 1999 that then exceed the maximum size of use limits listed in Chart B may continue.))

2. Subject to the limitations in subsection E ((of this section)), the gross floor area of a use listed in Chart A and legally established as of September 26, 2007 ((April 8, 1996;)) may be converted to another category of use listed in Chart A provided that the combined gross floor area devoted to uses listed in Chart A does not exceed the total gross floor area of such uses legally established as of September 26, 2007. ((April 8, 1996; and the gross floor area of a use listed in Chart B and legally established as of September 1, 1999 may be converted to another category of use listed in Chart B provided that the combined gross floor area devoted to uses listed in Chart B does not exceed the total gross floor area of such uses legally established as of September 1, 1999.))

3. If fifty (50) percent or more of the gross floor area of the structure has been legally established as of ((April 8, 1996;)) September 26, 2007 with a use or uses listed in Chart A, those categories of uses may exceed the size of use limits as follows:

a. Uses listed in Chart A may expand within and occupy the entire structure.

b. The structure may be expanded by up to the following amounts and the use or uses may be permitted to expand within and occupy the entire structure:

(1) IG1 and IG2 Zones: Twenty (20) percent of the existing structure's gross floor area or ten thousand (10,000) square feet, whichever is less;

(2) ((IG2;)) IB and IC Zones: Twenty (20) percent of the existing structure's gross floor area or twenty thousand (20,000) square feet, whichever is less.

((4. Subject to the limitations in subsection B of this section, if fifty (50) percent or more of the gross floor area of the structure has been legally established as of September 1, 1999 with a use or uses listed in Chart B, those categories of uses may exceed the size of use limits as follows:

a. Uses listed in Chart B may expand within and occupy the entire structure.

b. The structure may be expanded by up to the following amounts and the use or uses may be permitted to expand within and occupy the entire structure, provided the structure has not previously been expanded pursuant to subsection B of this section:

(1) IG1 Zone: Twenty (20) percent of the existing structure's gross floor area or ten thousand (10,000) square feet, whichever is less;

(2) IG2 Zone: Twenty (20) percent of the existing structure's gross floor area or twenty thousand (20,000) square feet, whichever is less.))

E. Special Exception to Maximum Size ((Limits)) for ((Retail)) General Sales and Service Uses.

1. Subject to the procedures set forth in Chapter 23.76, Master Use Permits and Council Land Use Decisions, a ((retail)) general sales and service use within the Duwamish Manufacturing/Industrial Center that satisfies the criteria in this subsection may obtain a special exception to expand its gross floor area by a maximum of thirty (30) percent above the gross floor area being used for ((retail)) general sales and service use as of October 1, 2003. The expansion in gross floor area may occur one time only, either by addition to the existing building or by construction of a replacement building, in which case the gross floor area of the portion of the replacement building to be used for ((retail)) general sales and service use must not exceed the gross floor area of the old building that was used for ((retail)) general sales and service use as of October 1, 2003, plus thirty (30) percent of that gross floor area.

2. To be eligible for this special exception an applicant must demonstrate to the Director's satisfaction that:

a. The ((retail)) general sales and service use was established on a lot on or before January 1, 1985, the use has continued as an established ((retail)) general sales and service use since that date without interruption, and it exceeded the size of use limits in Chart A ((B)) as of September 12, 2007 ((1-1999));

b. At least fifty (50) percent of the gross sales of the ((retail)) general sales and service use are to businesses or business representatives; and

c. The use has not previously converted any use listed in Chart ((B)) A to general ((retail)) sales and service pursuant to subsection B2 of this section or expanded the gross floor area of the ((retail)) general sales and service use pursuant to subsections B.3((4)), a or B.4((4)) b of this section.

3. The Director shall consider the following and may impose conditions to assure that these criteria are met:

a. That well-defined boundaries, buffers, edge conditions or circulation patterns will separate the use, if the gross floor area of the ((retail)) general sales and service use is expanded, from surrounding industrial activity;

b. That adverse impacts on nearby industrial uses are minimized; and

c. That the proposed expansion of the gross floor area of the ((retail)) general sales and service use will increase the capacity of the existing use to support other businesses by providing goods and services that are used by such businesses as well as by individual consumers in the Duwamish Manufacturing/Industrial Center.

4. To be eligible for expansion onto a contiguous lot that is not separated by a street, alley or other right-of-way, the applicant also must demonstrate that:

a. The established use on the contiguous lot is a use that is permitted in commercial as well as industrial zones, and that use has been established for at least ten (10) years prior to the date of application; and

b. The most recent business establishment on the contiguous lot has ceased operations or moved to another location for reasons unrelated to the proposed expansion of the ((retail)) general sales and service use that is applying for the special exception.

5. Any ((retail)) general sales and service use that has expanded its gross floor area pursuant to a special exception granted pursuant to this section may not thereafter convert any use listed in Chart A ((B)) to retail pursuant to subsection B2 of this section or expanded the gross floor area of the ((retail)) general sales and service use pursuant to subsections B.3((4)), a or B.3((4)) b of this section.

Section 2. Section 23.50.028 of the Seattle Municipal Code, which Section was last amended by Ordinance 121828, is amended as follows:

23.50.028 Floor area ratio.

The floor area ratio (FAR), as provided below, shall determine the gross square footage permitted.

A. General Industrial 1 and General Industrial 2, Floor Area Ratio. The total maximum FAR shall be two and one-half (2.5).

B. ~~((General Industrial 2 and))~~ Industrial Buffer, Floor Area Ratio. The maximum FAR for all ~~((General Industrial 2 (IG2) and))~~ ~~uses on lots in the Industrial Buffer (IB) zone~~ ~~((uses))~~ shall be two and one half (2.5).

* * *

E. All Industrial Zones, Exemptions from FAR Calculations. The following areas shall be exempt from FAR calculations:

1. All gross floor area below grade;
2. All gross floor area used for accessory parking;
3. All gross floor area used for mechanical equipment, stair and elevator penthouses and communication equipment, stair and elevator penthouses and communication equipment and antennas located on the rooftop of structures;
4. All gross floor area used ~~((e))~~ for covered rooftop recreational space of a building existing as of December 31, 1998, when complying with the provisions of Section 23.50.012D;
- ~~((5. All gross floor area of a monorail station, including all floor area open to the general public during normal hours of station operation (but excluding retail or service establishments to which public access is limited to customers or clients, even where such establishments are primarily intended to serve monorail riders); and~~
- ~~6.))~~ 5. Within the South Lake Union ~~((Hub-Urban Village))~~ Urban Center, gross floor area occupied by mechanical equipment, up to a maximum of fifteen (15) percent, is exempt from FAR calculations. The allowance is calculated on the gross floor area of the structure after all exempt space permitted under this subsection is deducted. Mechanical equipment located on the roof of a structure is not calculated as part of the total gross floor area of a structure.

Section 3. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 17th day of December, 2007, and signed by me in open session in authentication of its passage this 17th day of December, 2007.

Nick Licata

President of the City Council

Approved by me this 20th day of December, 2007.

Gregory J. Nickels, Mayor

Filed by me this 20th day of December, 2007.

(Seal) Judith Pippin

City Clerk

Publication ordered by JUDITH PIPPIN, City Clerk

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